

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED
for Roanoke
AUG 22 2005
JOHN F. CORCORAN, CLERK
BY: *[Signature]* DEPUTY CLERK

JESSE E. HOFFMAN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CIVIL ACTION No. 7:05CV00046
CRIM. ACTION No. 3:01CR00015

FINAL ORDER

JUDGE NORMAN K. MOON

Before the court are: (1) Petitioner Jesse Hoffman's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255, filed January 27, 2005; and (2) the government's motion for dismissal, or in the alternative, for summary judgment, filed May 27, 2005. For the reasons set forth in the accompanying opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Respondent's motion for dismissal shall be and hereby is GRANTED;
2. Petitioner's motion to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255, shall be and hereby is DENIED.
3. This action is hereby stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and to counsel of record for respondent.

ENTERED: *Norman C. Mac*
United States District Judge

8/22/05
Date